

CONTENTS

I. EXECUTIVE ORDERS

DCT 82-7—Insurance Study Committee	223
DCT 82-8—Task Force on Cancer	223
DCT 82-9—Task Force on Municipal Civil Service Laws	224

II. EMERGENCY RULES

Commerce Department:	
Racing Commission—Exclusions and ejections	224
Education Department:	
Southern University Board of Supervisors—Law school summer fees	224
Health and Human Resources Department:	
Office of Licensing and Regulation—Capital expenditures review	224

III. RULES

Civil Service Department:	
Commission on Ethics for Public Employees—Administrative rules	227
Commerce Department:	
Board of Commerce and Industry—Tax exemption on energy conservation property	229
Office of Commerce and Industry—Enterprise zones	230
Office of Financial Institutions—Variable rate requirements	232
Racing Commission—Administering drugs	233
Bribes	233
Conflict of interest	233
Ejection from racing grounds	233
Repeal of ejection rule	234
Education Department:	
Board of Elementary and Secondary Education—Driving schools, migrant education, others	234
Health and Human Resources Department:	
Office of Family Security—General assistance foster care requirements	234 ✓
Retrospective budgeting	235 ✓
Office of Health Services and Environmental Quality—Sewage treatment plants	235 ✓
Office of Human Development—Reimbursement of shelter costs	235 ✓
Insurance Department:	
Division of Property and Casualty—Legal expense insurers	235
Natural Resources Department:	
Resources Recovery and Development Authority—Rules of procedure	236
Public Safety Department:	
Office of State Fire Marshal—Smoke detection systems	236
Urban and Community Affairs Department:	
Office of Planning and Technical Assistance—Community Development block grants	237
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Shrimp season inside waters	243

IV. NOTICES OF INTENT

Agriculture Department:	
Livestock Sanitary Board—Brucellosis/EIA regulations	243
Brucellosis referendum	244
State Entomologist—Apiary rules	244
Civil Service Department:	
Board of Ethics for Elected Officials—Administrative rules	245
Commerce Department:	
Board of Cosmetology—Regulations	245
Office of Financial Institutions—Change adjustable rate mortgage rules	246

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Racing Commission—Chemical analysis	247
Workmen's compensation	247
Corrections Department:	
Office of the Secretary—Assignment of inmates	247
Furloughs and temporary releases	248
Inmate rules and regulations	248
Internal Assignment and Review Board	249
Parole hearings	249
Student rules and regulations	249
Education Department:	
Board of Elementary and Secondary Education—Vo-Tech attendance, sabbaticals, others	250
Southern University Board of Supervisors—Law school summer fees	253
Teaching Professions Practices Commissions—Rules of procedure	253
Governor's Office:	
Office of Data Processing—Word processors	253✓
Property Control Section—Regulation revision	254✓
Health and Human Resources Department:	
Office of Human Development—Client placement rules	254✓
Office of Licensing and Regulation—Disposal of fetal remains	255✓
Office of the Secretary—Civil Rights Bureau complaint procedure	256
Gary W. Project policies	257✓
Labor Department:	
Community Services Block Grant—Policies	258
Natural Resources Department:	
Office of Environmental Affairs—Air quality revisions	259
Office of Forestry—Revise seedling prices	260
Public Safety Department:	
Office of State Fire Marshal—Insulation standards	260
Wildlife and Fisheries Department:	
Wildlife and Fisheries Commission—Hunting seasons and bag limits	260
Prohibit certain netting in Lake Claiborne	261

V. COMMITTEE REPORTS

Health and Human Resources Department:	
Office of Family Security—Medicare reimbursement principles	261✓

VI. POTPOURRI

Agriculture Department:	
Horticulture Commission—Examinations scheduled	262
Natural Resources Department:	
Fishermen's Gear Compensation Fund—Claims	262
Public Safety Department:	
Municipal Police Officers Supplemental Pay—Meeting scheduled	263

VII. ERRATA

Commerce Department:	
Board of Cosmetology—Error Corrected	263

Executive Orders

EXECUTIVE ORDER DCT 82-8

EXECUTIVE ORDER DCT 82-7

WHEREAS, expenditures for property and casualty insurance constitute a significant portion of the expenditures of the State of Louisiana; and

WHEREAS, assuring a high degree of competency and expertise regarding the state programs, including the insurance program, is a major goal of the Treen administration; and

WHEREAS, input from knowledgeable sources outside of state government can help to insure that the taxpayers of Louisiana enjoy the benefits of proper coverage provided and fair and reasonable costs;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby establish a State Insurance Study Committee within the Department of Commerce for the purpose of studying and making recommendations relative to the insurance program of the State of Louisiana as it pertains to property and casualty insurance on the property and liability exposure of the State of Louisiana.

Said study should include, but not be limited to, current state programs, property and casualty liability exposure, immunity limitation, methods of insuring the state's exposure, organization and functioning of the Office of Property and Casualty Insurance Administrator, and any other matter the committee may feel to be pertinent to the insurance program of the State of Louisiana.

The committee, whose members shall be appointed by the Governor and serve at his pleasure, shall be composed of the following:

1. One person not associated with the insurance industry, who shall represent the public at large;
2. One person who shall represent the Louisiana Bar Association;
3. One person who shall represent the Louisiana AFL-CIO;
4. One person who shall represent the Louisiana Association of Business and Industry;
5. Two persons who shall represent the Independent Insurance Agents of Louisiana;
6. Two persons who shall represent the American Insurance Association, the American Mutual Insurance Alliance and the National Association of Independent Insurers;
7. The chairman of the House Subcommittee on Legislative Oversight, or his designee; and
8. The chairman of the Senate Commerce Committee, or his designee.

The committee shall submit its findings, recommendations and suggested legislation to the Governor, the House of Representatives and the Senate prior to May 31, 1982.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 14th day of April, A.D., 1982.

David C. Treen
Governor of Louisiana

WHEREAS, one of the most pressing concerns in the area of public health is the incidence of cancer in the nation; and

WHEREAS, the incidence of some cancers, particularly lung cancer, is higher in certain areas of the State of Louisiana than the national average for those cancers; and

WHEREAS, it is essential for the health and welfare of the people of the State of Louisiana that there be a better understanding of cancer, particularly its possible causes and possible corrective actions to prevent or lessen its incidence;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me, pursuant to the Constitution and applicable statutes of the State of Louisiana, do hereby create the Governor's Task Force on Cancer. The Task Force shall consist of at least the following:

- 1) an epidemiologist, or an expert in medical statistics;
- 2) a toxicologist;
- 3) an oncologist;
- 4) an expert in industrial medicine;
- 5) a representative of the American Cancer Society and;
- 6) a representative of the Department of Health and Human Resources.

The Governor shall appoint the members of the Task Force and a chairman and vice-chairman.

The Task Force shall complete the following tasks:

1) conduct a comprehensive review and analysis of the existing scientific, epidemiological and medical data concerning cancer incidence and mortality rates in Louisiana, with particular attention to lung cancer; and

2) prepare a written report for the Governor providing the Task Force's findings and recommendations concerning the incidence of cancer in State of Louisiana, including an assessment of whatever information is available on possible corrective actions.

The Task Force may call on the resources of educational and research institutions, private industry, non-profit organizations, or any other organizations or individuals as may be appropriate for assistance in carrying out its responsibilities. The Governor, on behalf of the Task Force, may accept grants, donations or appropriations from public or private sources, to the extent permitted by state or federal law or regulations, which will aid the Task Force in the fulfillment of its responsibilities.

The appropriate departments of the State of Louisiana are hereby directed to provide the necessary technical and other assistance required by the Task Force to carry out its responsibilities. The Task Force may make recommendations to the Governor regarding the need for additional technical staff to assist the Task Force in the completion of its tasks, and the Governor, on the basis of those recommendations, may authorize the Task Force to hire technical staff.

The Task Force shall report its findings to the Governor not later than one year after the issuance of this Executive Order.

The Task Force shall be organized under the Office of the Governor and shall terminate on July 31, 1983, unless otherwise extended by the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in City of Baton Rouge, on this the 16th day of April, A.D., 1982.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER DCT 82-9

WHEREAS, there are growing complaints that the civil service laws under which Louisiana municipalities must operate hamper effective personnel management; and

WHEREAS, any changes in the civil service laws governing municipalities must be made by the State Legislature; and

WHEREAS, it is evident that a review of the civil service laws affecting municipalities is needed;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby create the Task Force on Municipal Civil Service Laws.

This task force shall examine the state's civil service laws as they affect municipalities, review any problems that might now exist, and make recommendations, including proposed legislation, to the Governor.

The Governor shall appoint the members of the task force, and the membership shall include municipal officials of the State of Louisiana. The Governor shall appoint the chairman and vice-chairman of the task force.

BE IT FURTHER RESOLVED, the task force shall be organized under the Office of the Governor and shall terminate on July 31, 1983, unless otherwise extended by the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 27th day of April, A.D., 1982.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

This is to advise that this Commission pursuant to the authority contained in R.S. 49:953 B adopted emergency rule (LAC 11-6:57 et seq) and repealed its rule (LAC 11-6:23.11) which conflicts. The Commission at its meeting on April 16, 1982, by unanimous resolution made a finding that the public welfare required the adoption of a Rule of racing to provide for the exclusion and ejection of certain categories of persons from the grounds of a racing association. Further that Act 779 of 1981 mandates that this Commission adopt such a Rule. And pursuant to R.S. 4:141 et seq, and particularly, R.S. 4:142 stating the legislative purpose of the racing statute, it is incumbent on the Louisiana State Racing Commission to adopt a Rule of racing so as to place under its control and jurisdiction the exclusion and ejection from the grounds of a racing association certain categories of people.

LAC 11-6:23.11 is repealed to remove a conflict between the time period for reporting ejections to the Commission - 24 hours - and the time period established in the new Rule, three days.

A complete text of LAC 11-6:57 may be found on Page under Rules.

S. M. Delaney
Secretary

DECLARATION OF EMERGENCY

Southern University Board of Supervisors

The Southern University Board of Supervisors on April 24, 1982 exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B, to adopt the following as an Emergency Rule:

Effective May 24, 1982 the following schedule of fees for Summer School at the Southern University School of Law will be in force: Three credit hours, tuition \$80; Law Library \$5; Out-of-State Fee \$202 for a total of \$287. Six hours credit, tuition \$140; Law Library \$5; Out-of-State Fee \$202 for a total of \$347.

This action was taken in order to have in place fees for the initial Summer School Session which begins May 24, 1982.

Jesse N. Stone, Jr.
Secretary to the Southern
University Board of Supervisors

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Licensing and Regulation

The Department of Health and Human Resources, Office of Licensing and Regulation, does hereby exercise the emergency provision of the Administrative Procedure Act (R. S. 49:953 B) to adopt, effective May 22, 1982 the following policies and guidelines for Section 1122, Capital Expenditures Review. These policies and guidelines are adopted in accordance with mandate of 42 CFR Part 100.106 (a) (1) (38 FR 31381, November 1973 as amended at 39 FR 32030, September 4, 1974).

INTRODUCTION

Section 1122 of the Social Security Act, as amended by Public Law 92-603, the Social Security Amendments of 1972, requires that a health facility which proposes to make a capital expenditure obtain prior approval by a designated planning agency in order to be reimbursed for costs related to the capital expenditure under the Medicare and Medicaid programs. The purpose of this provision is to assure that Federal funds are not used to support unnecessary capital expenditures by health care facilities.

Responsible Agency

The state agency designated to carry out the provisions of this law in Louisiana is the Division of Health Planning and Development (DHPD), which is the state agency organized under P.L. 93-641.

Other Agencies

In making its review of proposed capital expenditures DHPD will consult the Division of Licensing and Certification and any other appropriate state agency.

Facilities Included

For the purpose of this section (1122), "health care facility" includes hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, kidney disease treatment centers including freestanding hemodialysis units, intermediate care facilities, and ambulatory surgical facilities, but does not include Christian Science sanatoriums operated or listed and certified by the First Church of Christ, Scientists, Boston, Massachusetts.

Expenditures Covered

Capital Expenditures covered are those which are not properly chargeable as expenses of operation and maintenance and which (1) exceed \$100,000 or (2) change the bed capacity of the facility, or (3) substantially change the services of the facility. Any questions regarding applicability of expenditures to review should be directed solely to DHPD for an official determination.

When making a determination of the total amount of any capital expenditure discussed herein, DHPD shall consider the cost of studies, surveys, designs, plans, working drawings, specifications and other activities essential to the acquisition, improvement, expansion or replacement of the plant and equipment with respect to which such expenditure is made.

Proposals for the acquisition of facilities or equipment by lease or comparable arrangement or through donation may be subject to review under Section 1122. DHPD should be contacted for a determination of applicability and assistance in computing amounts subject to Section 1122 review.

Effective Date

Any capital expenditure for which the obligation is incurred by or on behalf of a health care facility after December 31, 1972, is subject to review under these provisions.

Exclusions

1. An expenditure for which an obligation was incurred before January 1, 1973, is not subject to review requirements of Section 1122.

2. The statute permits an exception to any health care facility providing services as of December 18, 1970, which as of that date was committed to a formal plan of expansion or replacement as approved by the facility's board of trustees. This can only occur if the facility spent \$100,000 or more during the three-year period ending December 17, 1970, for preliminary items on the plan including payments for studies, surveys, designs, plans, working drawings, specifications and site acquisition. In such a case, Section 1122 shall not apply to capital expenditures made in conformity with that plan. The exception shall, however, not apply to capital expenditures which are not included in the plan.

Election Not to Review

The Division of Health Planning and Development may, at its option, elect not to review certain proposed capital expenditures which have been determined to be subject to review under Section 1122 of the Social Security Act. A decision to elect not to review shall be equivalent to a determination by DHPD that such expenditure is in conformity with applicable standards, criteria or plans.

In order to be eligible for election not to review, a proposal must meet all of the following criteria:

1. There will be no substantial change in services offered by the health care facility as a result of the proposed expenditure, except that proposals which substantially change a facility's services but cost less than \$100,000 may be considered for election not to review.

2. Proposals for the addition of beds will be considered for election not to review on a case-by-case basis, providing the addition can be undertaken in a manner consistent with cost-effectiveness and good quality of care. A full review will be required when (a) the proposed expenditure exceeds \$100,000 or (b) the bed complement of the facility will be increased by more than 10 percent of the total number of licensed beds.

3. Total costs of the proposal do not exceed \$1,000,000,

except that proposals for the replacement of existing medical equipment, for the acquisition of non-medical equipment, for construction and/or renovations to achieve compliance with life safety codes or for the acquisition of a health care facility through purchase, lease or comparable arrangement will be considered for election not to review on case-by-case basis.

4. The proposed expenditure is not a discrete component of a larger capital expenditure or a part of a phased project, the total cost of which would disqualify that proposal from election not to review according to the criteria set forth in this section.

DHPD may, at its option, subject any proposal to full review, including proposals which meet all of the above criteria.

A person proposing a capital expenditure by or on behalf of a health care facility, which expenditure may qualify for election not to review according to the above criteria, should submit in writing to DHPD notice of intent to make the capital expenditure. After examining the information contained in such notification, and any additional information DHPD may request, a determination will be made by DHPD whether or not to elect not to review the proposed expenditure.

If DHPD determines that such proposal shall require full review, the applicant will be notified of such decision and will be supplied with appropriate application forms to provide information adequate for full review of the proposal.

Review Procedures

A. Notification procedures

1. Any person, agency, organization, or health care facility which proposes to make a capital expenditure subject to review under the provisions of Section 1122 of the Social Security Act should request an application from DHPD.

2. DHPD will promptly send a copy of this booklet and a questionnaire to the applicant.

3. The applicant should fill out the questionnaire in coordination with DHPD. When ready for submittal for review, the applicant must provide three copies of the application to DHPD. All copies submitted must be identical.

4. An application must be received by DHPD and determined to be complete at least 60 days prior to the date upon which the applicant expects to incur an obligation to make the expenditure. If DHPD determines that the application is incomplete, the applicant will be notified within 15 days of additional information needed.

5. The applicant must provide additional information as requested in Part A. 5., above, again with the provision that requested information be received by DHPD at least 60 days prior to the expected date of obligation to make the expenditure.

B. Review procedures

6. The review period will not exceed 90 days unless the applicant agrees to a longer time period. The review period will begin upon receipt by DHPD of a complete application. Procedures governing incomplete applications are found in Part A. 5. and A. 6. above.

7. DHPD will issue a press release of its receipt of the complete application.

8. DHPD will send copies of the application to the Division of Licensing and Certification and any other state agency deemed appropriate by DHPD.

9. The Division of Licensing and Certification and other state agencies from which comments have been requested will review the application and send their recommendations to DHPD.

10. Findings and recommendations pursuant to Part B. 11 above will be received by DHPD no later than 60 days after start of the review period. In the case of an application which specifies that an obligation to make the capital expenditure will be incurred 60 days after start of the review period, DHPD will coordinate with the Division of Licensing and Certification to establish a date by which

findings and recommendations will be received by DHPD. Such date should allow sufficient time for the Division of Licensing and Certification review, as well as a period for consideration of those findings and recommendations by DHPD.

11. DHPD will then complete the review and send its findings and recommendations to the applicant, the Secretary of DHEW, the Division of Licensing and Certification, and the Secretary of the Department of Health and Human Resources of Louisiana. This step shall be completed not more than 90 days after the date DHPD has received the completed application unless the applicant has indicated an earlier date for obligation of the expenditure. However, a minimum of 60 days must be allotted for completion of the review. At an applicant's request or concurrence, the review period may be for a longer period of time as agreed.

12. DHPD will issue a news release of the final finding.

C. Appeal procedures

13. In the case of a negative recommendation by DHPD, the applicant may request an appeal, which request must be made in writing and received by DHPD within 30 days after the applicant has received notice in writing of the notice of disapproval.

14. DHPD will notify the Hearing Officer for the State of Louisiana who is responsible for conduct of the appeal hearing.

15. The Hearing Officer will select a hearing date and notify DHPD, and the hearing shall be commenced within 30 days after receipt of the request for a hearing by the applicant (or later, at the option of the person requesting the hearing).

16. DHPD will notify the applicant of the hearing date.

17. DHPD will issue a news release of the hearing.

18. As soon as possible, but not later than 45 days after the conclusion of the hearing, the Hearing Officer will notify the applicant, DHPD and the Regional Health Administrator (DHEW) of the appeal decision.

19. DHPD will issue a press release of the appeal decision.

Evidence of Obligation; Termination of Approval.

Evidence of obligation to make the capital expenditure must be received by DHPD within one year after approval of the project, or the approval will expire.

As provided in the regulations, the one year approval period may be extended for up to six months at the discretion of DHPD.

A progress report to DHPD on the project is required six months after approval.

As provided in the regulations, an obligation to make a capital expenditure shall be incurred not more than one year following the date of approval. An obligation shall be deemed to have been incurred by or on behalf of health care facility or health maintenance organization:

a. When an enforceable contract is entered into by such facility or organization or by a person proposing such capital expenditure on behalf of such facility or organization for the construction, acquisition, lease or financing of a capital asset; or

b. Upon formal internal commitment of funds by such facility or organization for a force account expenditure which constitutes a capital expenditure; or

c. In the case of donated property, the date on which the gift is completed in accordance with applicable Louisiana law.

It is the sole responsibility of the proponent to keep DHPD informed of its progress during the one year approval period and to submit documentary evidence as proof that at least one of the above conditions has been fulfilled. The following conditions have been established regarding the acceptance of certain documents as proof of an obligation.

a. In the case of a construction contract, such document must be fully consummated and filed with a local clerk of court's office in accordance with applicable state law.

b. In the case of a purchase or lease arrangement, a purchase or lease agreement signed by lessor and lessee must be submitted.

c. In the case of a financial commitment, such commitment must be a documented binding commitment from a lending institution for permanent or interim financing accompanied by an acceptance signature from the proponent. (Loan guarantees do not fulfill the requirements set forth above).

d. In the case of bonds, an obligation is deemed to have been incurred whenever the bonds have been approved for sale or issuance by either an election or board action of an official public body acting on behalf of a health care facility.

Effect of Negative Recommendation

If DHPD recommends that the capital expenditure not be made, the Secretary of DHHS shall, in determining the Federal payments to be made under Titles XVIII and XIX of the Social Security Act to the health care facility, ordinarily exclude certain expenses related to such capital expenditure. However, if the Secretary, after submitting the matters involved to the National Advisory Council on Health Planning and Development and after taking into consideration the recommendations of DHPD and other reviewing agencies, determines that an exclusion of expenses for a capital expenditure would discourage the operation or expansion of a health care facility (or any facility of such an organization) which has demonstrated capability to provide comprehensive health care services efficiently, effectively, and economically or would otherwise be inconsistent with the effective organization and delivery of health services or the effective administration of Titles XVIII and XIX, he shall include such expenses in Federal payments under such titles.

Effect of Failure to give Timely Notice of Proposed Expenditure

When DHPD has good cause to believe that an obligation for a capital expenditure has been incurred by or on behalf of a health care facility and that timely notice of at least 60 days was not provided, DHPD shall send written notification to such health care facility, the Secretary, and all other agencies deemed appropriate by DHPD of a proposed finding that an obligation for a capital expenditure subject to review has been incurred and that timely notice was not provided. Procedures for processing such a finding shall be according to Section 100.108 (a) of the regulations, and the policy on lack of timely notice as published January 26, 1977, in the *Federal Register*, Vol. 42, No. 17.

Reconsideration of Disapproved Projects

In the case of disapproved project, the applicant will be entitled to a reconsideration by DHPD of its finding: (a) whenever there is a substantial change in existing or proposed health facilities or services of the type proposed in the area; or (b) upon a substantial change in the need for facilities or services of the type proposed in the area; or (c) at any time following the expiration of three years from the date of the finding of DHPD or of its last reconsideration of such finding pursuant to this paragraph, whichever is later.

If DHPD finds, after such reconsiderations, that the facilities or services provided by the capital expenditure involved are in conformity with the applicable standards, criteria, or plans, and so notifies the Secretary of DHEW, the Secretary will include, in determining future payments under Titles XVIII, and XIX, expenses related to such capital expenditure. However, *such expenses will be included only for payments following the date of notification* to the Secretary by DHPD of its reconsideration.

Criteria for Section 1122 Reviews

In making recommendations concerning projects reviewed under Section 1122 of the Social Security Act, the review body or agency at each level designated in the review process shall consider, but not be limited to, the following criteria, as required under P.L. 93-641 and implementing rules and regulations:

I. The relationship of the health services being reviewed to the

applicable Health Systems Plan and Annual Implementation Plan and the State Health Plan adopted pursuant to the provisions of P.L. 93-641.

II. The relationship of services reviewed to the long range development plan (if any) of the person providing or proposing such services.

III. The need that the population served or to be served by such services has for such services.

In considering the need for a proposed project, DHPD will review, but not be limited to, the following information:

A. The availability of similar facilities, services and institutional beds within the service area, including but not limited to:

1. Number of similar facilities, services and beds in the service area.

2. Ratio of institutional beds to the population, as a whole and where appropriate, to age groups.

3. Comparison of service area bed ratio with other health service areas in the state and other relevant areas.

4. Distribution of institutional beds, services, and facilities within the area.

B. Accessibility of the target population of the proposed project to existing and proposed facilities and services. (This would include physical and financial accessibility.)

C. Measures of utilization of existing facilities and services:

1. Admission rates per 1,000 persons.

2. Occupancy rate: $\frac{\text{Average Daily Census}}{\text{Number of beds}}$

3. Length of stay (average): $\frac{\text{Census X 365}}{\text{Annual Admissions}}$

4. Other appropriate utilization material.

D. Projects of utilization.

E. A delineation of the proposed service area.

F. Various projections of bed need.

G. The projected population growth or lack of growth of the proposed service area.

IV. The availability of alternative, less costly, or more effective methods of providing such services.

A. Potential availability of such services.

V. The immediate and long term financial feasibility of the proposal.

VI. The relationship of the services proposed to be provided to the existing health care system of the area in which such services are proposed to be provided.

DHPD will review, but not be limited to, the following information:

A. Documentation of coordination and/or linkage agreements between the applicant and existing or planned health care institutions and/or providers within the service area.

VII. The availability of resources (including health manpower, management personnel, and funds for capital and operating needs) for the provision of the services proposed to be provided and the availability of alternative uses of such resources for the provision of other health services.

DHPD will review, but not be limited to, the following information regarding Health Care staffing:

A. Physicians

a. Availability in the service area

b. Projected availability in the service area

B. Nursing Personnel

a. Availability in the service area

b. Projected availability in the service area

c. Adequacy of proposed staffing according to required standards

C. Management and Other Personnel

a. Availability in the service area

b. Projected availability for the proposal

VIII. The relationship, including the organizational relationship, of the health services proposed to be provided to ancillary or support services.

IX. The special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas. Such entities may include medical and other health professionals schools, multidisciplinary clinics, and speciality centers.

X. The special needs and circumstances of health maintenance organizations for which assistance may be provided under Title XIII of the Act.

XI. The special needs and circumstances of biomedical and behavioral research projects which are designed to meet a national need and for which local conditions offer special advantage.

XII. In the case of a construction project —

A. The cost and methods of the proposed construction, including the costs and methods of energy provision; and

B. The probable impact of the construction project reviewed on the cost of providing health services by the person proposing such construction project.

The criteria adopted for reviews in accordance with the above may vary according to the purpose for which a particular review is being conducted or the type of health service reviewed.

PLEASE BE ADVISED: An approval issued in accordance with Section 1122 of the Social Security Act in no way relieves an applicant of responsibility for fulfilling other state and/or federal requirements.

Notification of intent to make a capital expenditure subject to Section 1122 review should be addressed to the Division of Health Planning and Development. Also, questions in regard to applicability of Section 1122 to proposed expenditures or in regard to statewide review policies and procedures should be directed to Murray A. Forman, Director, Division of Health Planning and Development, 333 Laurel Street, Second Floor, Baton Rouge, Louisiana 70801.

Roger P. Guissinger
Secretary

Rules

RULE

Department of Civil Service

Commission on Ethics for Public Employees

CHAPTER 1 DEFINITIONS

In addition to the definitions contained in the Code, the following words, terms or phrases, when used in these Rules, shall have the following meanings:

1.1 "Fact-finding" shall be the process, initiated by the Commission whereby the staff under supervision of the Executive Secretary causes preliminary information to be gathered on matters referred to the Commission so that proper disposition can be made by the Commission.

1.2 "Executive Secretary" shall mean the chief administrative and executive officer appointed by the Commission pursuant to the provisions of Section 1134 (2) of the Code, who shall additionally serve as an Assistant Attorney General designated by the Attorney General to serve as counsel to the Commission.

CHAPTER 2 COMPLAINTS AND FACT-FINDING

2.1 Complaints.

The Executive Secretary shall cause the date of receipt to be noted on each complaint. The complaint shall be deemed filed upon the Commission's initial consideration of same at a convened meeting. A docket shall be maintained upon which each complaint shall be given an appropriate title and docketed in the order filed.

2.2 Fact-finding.

The Commission may refer to fact-finding any matter warranting Commission consideration including any request for an advisory opinion. When the fact-finding concerns a particular individual or person, the individual or person shall be given written notice prior to commencement of said fact-finding.

CHAPTER 3 HEARINGS

3.1 Sequestration of Witnesses.

The Commission, on request of any party, or on its or his own motion, may order that the witnesses in any hearing be sequestered so as to preclude any witness, other than the parties and their attorneys, from hearing the testimony of any other witness.

3.2 Subpoena of Witnesses: Production of Documents.

(a) The Commission, the Executive Secretary, and any specially designated agent of the Commission, shall have power to order the appearance of witnesses and to compel the production of books and papers pertinent to the issues involved in any public hearing, provided such witnesses and such books and papers are within the State.

(b) Any respondent desiring the issuance of a subpoena for any witness at a public hearing must apply for it in writing at least ten days before the date fixed for the hearing, must give the name and address of the witness to whom the subpoena is to be directed, and must state the reasons that the testimony of the witness will be material and relevant.

(c) In lieu of the issuance and service of formal subpoenas to State employees, the Commission or any person authorized by Sub-section (a) of this Rule may request any agency to order any designated employee under its supervision to attend and testify at any public hearing; and upon being so ordered the employee shall appear and furnish testimony.

(d) Any respondent desiring the production of books, papers, photographs, or other items at any public hearing must apply for an appropriate order in writing at least ten days before the date fixed for the hearing. Such application must describe the books or papers to be produced in sufficient detail for identification, must give the full name and address of the person required to make such production, and the materiality of their production to the issues must be certified to by the respondent or his counsel.

(e) Authentic copies of books, papers, photographs, or other items in the custody of any agency of the State or any subdivision thereof which have been subpoenaed may be admitted in evidence with the same effect as the originals, but if original books, papers, photographs, or other items are subpoenaed they must be produced and made available for inspection even though authentic copies may be subsequently introduced.

(f) The Commission or its Chairman, may, for cause deemed sufficient by it or him, issue an appropriate order at any time recalling any subpoena, subpoena duces tecum, or request

issued by it or him under the provisions of this Rule. The respondent may likewise obtain an order from the Commission recalling any subpoena duces tecum, or request issued or caused to be issued by him.

3.3 Consolidation of Public Hearing.

When public hearings of two or more respondents involve similar or related circumstances, the Commission may order a joint hearing of all respondents or may order separate hearings for specified respondents.

3.4 Transcripts of Public Hearings.

The proceedings of all public hearings shall be recorded, but shall be transcribed only upon order of the Commission or upon request made by a respondent therein, accompanied by proffer of such cost as may be reasonably determined by the Executive Secretary.

3.5 Witness Fees in Public Hearings.

(a) The travel expenses of an officer or employee of a State agency who is required to appear before the Commission shall be paid by the agency which employs him.

(b) The Commission may order that any person who is not an officer or employee of a State department and who is subpoenaed to testify at a public hearing shall be entitled to the same mileage fees as are allowed witnesses in civil cases by the Nineteenth Judicial Court for the Parish of East Baton Rouge, said to be paid by the Department of Civil Service, subject to fiscal limitations.

(c) If a witness is subpoenaed by a respondent, the Commission may order the same cost of witness fees and mileage to be paid by such respondent.

(d) The Commission and any person authorized to issue a subpoena may, before doing so, require the party requesting the subpoena to deposit with the Secretary a sum sufficient to cover the mileage costs and witness fees pending a determination of costs by the Commission.

3.6 Motions.

Motions may be filed by counsel for the Commission, or by the respondent in proper person or through counsel or by any other interested party but must be filed within five days of the day when the motion is sought to be heard, except for good cause as determined by the Commission.

CHAPTER 4 DEPOSITIONS AND DISCOVERY

4.1 Discovery procedures for hearings conducted by the Commission shall be as follows:

Any public employee or other person who has been notified that he is to be the subject of a public hearing pursuant to the provisions of LSA - R.S. 42:1141 D, shall be entitled to the following if written request to the Executive Secretary is made at least 15 days prior to the date of the scheduled hearing:

(a) A certified copy of the transcript of the private hearing pursuant to Section 1141 D(1) of the Code, in the event there was such a private hearing.

(b) A certified copy of the respondent's testimony given in connection with a private investigation, if there was not a private hearing.

(c) The name and address of each individual that the staff of the Commission has interviewed or intends to call at the proposed hearing, together with any written statements obtained by the staff from such persons.

(d) A copy of each physical document that the Commission's staff intends to introduce before the Commission at the proposed hearing.

(e) The right to take depositions on oral examination or through written interrogatories and pursuant to the provisions of applicable Code of Civil Procedure Articles, to the extent practicable.

able, of those persons whose name and address has been furnished to the respondent pursuant to the provisions of Subparagraph (c) above, and, provided further, that the taking of said depositions does not unreasonably impede the scheduled hearing.

CHAPTER 5 DISQUALIFICATION PURSUANT TO THE PROVISIONS OF SECTION 1112 C OF THE CODE.

5.1 Every public employee, excluding an appointed member of any board or commission, shall disqualify himself from participating in a transaction involving the governmental entity when a violation of Section 1112 of the Code would result.

5.2 A Every public employee, except an agency head immediately upon determining that he may be compelled to participate in a transaction involving the governmental entity in violation of Section 1112 of the Code, shall immediately and prior to such participation report the details of the transaction, in writing, (a) to his immediate supervisor, (b) to his agency head, and (c) to the Commission.

5.2 B Every agency head, immediately upon determining that he may be compelled to participate in a transaction involving the governmental entity in violation of Section 1112 of the Code, shall immediately and prior to such participation report the details of the transaction, in writing, to his appointing authority and to the Ethics Commission.

5.3 Upon receipt of such written communication from the public employee, the immediate supervisor of the public employee as well as the agency head (or appointing authority, if applicable) shall immediately and prior to such participation by the public employee provide the Commission, in writing, with a report concerning the impact on the efficient operation of the governmental entity of the potential participation by the public employee and shall provide the Commission with reports as to alternative measures available to the public employee to prevent participation in the prohibited transaction.

5.4 The public employee shall refrain from participating in the potential transaction until such time as the Commission has, in writing, provided the public employee, his immediate supervisor, and his agency head with instructions as to the procedure to avoid participation in the prohibited transaction.

R. Gray Sexton
Executive Secretary

RULES

Department of Commerce Board of Commerce and Industry

The Louisiana Board of Commerce and Industry, pursuant to the authority contained in Louisiana Revised Statutes 47:305.31, and in accordance with the Notice of Intent published on January 20, 1982, adopted the following Rules at its regular meeting on February 24, 1982:

SALES AND USE TAX EXEMPTION ON ENERGY CONSERVATION PROPERTY

RULES AND REGULATIONS

Adopted Pursuant to L. R. S. 47:305.31

RULE 1. Use of Louisiana Contractors, Labor and Supplies

The Board of Commerce and Industry requires manufacturers and their contractors to give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, engineers, contractors, and labor, except where not reasonably possible to do so without added expense or substantial inconvenience or sacrifice in operational efficiency. In considering applications for tax exemption, special

attention will be given to those applicants agreeing to use, purchase and contract for machinery, supplies and equipment manufactured in Louisiana, or, in the absence of Louisiana manufacturers, sold by Louisiana residents, and to the use of Louisiana engineers, contractors and labor in the construction and operation of proposed tax exempt facilities. It is a legal and moral obligation of the manufacturers receiving exemptions to favor Louisiana manufacturers, suppliers, contractors, and labor, all other factors being equal.

RULE 2. Manufacturing Establishment Defined

The Board of Commerce and Industry will consider applications only on modification to, replacement of, or conversion of facilities, processes, or items of equipment at manufacturing establishments that were in operation prior to July 18, 1981. A manufacturing establishment as used herein is an establishment which engages in the business of working raw materials into wares suitable for use of which gives new shapes, qualities or combinations to matter which already has gone through some artificial process.

RULE 3. Energy Conservation Property Defined

"Energy Conservation Property" means tangible property used or held for use, as an integral part of a modification to, or replacement of, all or part of an existing electrical generation, manufacturing, production, or extraction facility, process or item or equipment, but only if such modification or replacement either results in:

- (a) the utilization by such facility, process or item or equipment of less energy per unit of output, or
- (b) the conversion of such facility, process or item of equipment to permit the use of an alternate substance as a fuel or as a feedstock.

Property shall be considered to be an integral part of a modification or replacement otherwise described in this Rule only if such property either directly results in a utilization or conversion described in this Rule or is part of, physically attached to, or otherwise directly associated with such property. For purposes of this Rule, any property, the installation of which is reasonably necessary for the proper installation, operation, or maintenance of property which directly results in a utilization or conversion described in this Rule, shall be considered as directly associated with such property.

RULE 4. Existing Facility, Process, Item of Equipment Defined

Existing facility, process, or item of equipment shall mean:

- (a) when used in connection with a facility, a facility which is in operation prior to July 18, 1981
- (b) when used in connection with a process, a process which was carried out prior to July 18, 1981
- (c) when used in connection with equipment, such equipment was placed in service prior to July 18, 1981

RULE 5. Alternate Substance Defined

Alternate substance means any substance other than:

- (a) oil and natural gas
- (b) any product of oil and natural gas
- (c) any form of energy generated or produced from the use of oil and natural gas.

Petroleum coke, waste gases, and waste heat from industrial operations shall be treated as alternate substances.

RULE 6. Computations to Determine Energy Saving Per Unit of Output

The determinations required by Rule 3(a) shall be made by comparing the BTU's of oil and natural gas, or energy, used by the facility, process, or item or equipment per unit of output prior to the modification or replacement, with the BTU's of oil and natural gas, or energy, used by such facility, process, or item of equipment per unit of output upon completion of modification or replacement. With respect to electricity, a heat rate of ten thousand BTU's per kilowatt hour shall be used.

The total energy saved per year shall be determined by multiplying the units of output of such manufacturing establishment or public utility for the year preceding the year in which property is acquired or replacement or modification begins by the BTU's per unit of output which will be saved.

RULE 7. Qualifying Projects

No application will be considered for exemption by the Board of Commerce and Industry unless the total energy saved per year is projected to be greater than 30 billion BTU's under Rule 3(a) or the project will permit the use of an alternate substance as fuel or feedstock under Rule 3(b).

RULE 8. Time Limits for Filing of Application

(a) An application for tax exemption must be filed with the Office of Commerce and Industry on the form prescribed at least 60 days prior to the beginning of construction or installation of facilities.

(b) The phrase "beginning of construction" shall mean the first day on which foundations are started, or, where foundations are unnecessary, the first day on which installation of the facility begins.

(c) The Board will accept applications for tax exemption on qualifying projects for services and materials on which sales or use tax became due after July 18, 1981 if the application is filed within 45 days after the application forms become available.

A cutoff date for processing applications to be considered for exemption is three weeks prior to the Board meeting.

RULE 9. Issuance of Certificate of Exemption

Upon approval of the application by the Board of Commerce and Industry, a notification shall be sent to the Department of Revenue and Taxation which shall issue a Certificate of Exemption to the applicant.

RULE 10. Sales Tax Refund

The certificate of exemption will formally notify the applicant of the action of the Board of Commerce and Industry in approving the tax exemption on the specific project, but will not authorize the applicant to make tax-free purchases from vendors. The tax exemption will be effected through issuance of tax refunds by the Department of Revenue and Taxation.

Refunds will be secured by the filing of affidavits for each calendar month with the Department of Revenue and Taxation, Sales Tax Section, which must include the following:

(1) a listing of purchases, made during the month, of movable property that is intended to be used as "energy conservation property" in the approved project. The listing must include a brief description of each item, the name of the vendor, date of the sale, sales price and the amount of 3 percent state sales tax paid. The items included in the listing must have been purchased by the owner of the project, or by a builder or other party that has contracted with the owner to provide materials and services for the project.

(2) a certification that the materials included in the listing are reasonably expected to qualify upon completion of the project as "energy conservation", as the term is defined in the statute.

(3) a certification that the sales/use tax has actually been paid on the items included in the listing.

The affidavits may be filed on official Department of Revenue and Taxation "Claim for Refund" forms or on other forms prepared by the applicant. After the Department of Revenue and Taxation has verified the information on the application, a refund check will be issued for the amount of state sales and use tax paid.

RULE 11. Affidavit of Energy Saved

Not later than 12 months after completion of a modification or replacement described in Rule 3(a), the applicant shall submit an Affidavit of Energy Saved on the prescribed form together with such evidence as the Board, in consultation with the Department of Natural Resources, shall require to establish to the satisfaction of

the Board that property on which sales and use tax has been exempt is energy conservation property.

RULE 12. Failure to Qualify

Should the Board determine the project failed to meet the requirement of energy conservation property or is in violation of any Board Rules, the Board will advise the taxpayer the project does not qualify. The taxpayer shall remit any and all taxes that would have been imposed but for the issuance of a certificate. If any portion of the untaxed materials, originally intended for use on the eligible project, are actually used for some other purpose, the taxpayer shall be liable for remittance of the sales/use tax on those purchases.

RULE 13. No Action After December 31, 1989

The Board will consider no application for tax exemption for any sales, use, or lease taxes incurred by a manufacturing establishment or public utility after December 31, 1989.

Rex M. Shearer

Director, Financial Incentives Division

RULES

Department of Commerce Office of Commerce and Industry

The Secretary of the Department of Commerce, pursuant to the authority contained in R.S. 51:1786 A(6) adopts the following Rules:

RULE FOR ACT 901 ENTERPRISE ZONE

RULE 1 Use of Louisiana Manufacturers and Suppliers

The business and its contractors must give preference and priority to Louisiana manufacturers and, in the absence of Louisiana manufacturers, to Louisiana suppliers, contractors, and labor, except where not reasonably possible to do so without added expense, substantial inconvenience, or sacrifice in operational efficiency.

RULE 2 Endorsement Resolution

The request for such exemption must be accompanied by an endorsement resolution approved by the governing body of the appropriate municipality, parish, port district, or industrial development board in whose jurisdiction the establishment is to be located.

RULE 3 Documentation of Location

The business must document its location within the boundaries of a particular Enterprise Zone.

RULE 4 Qualified Employees - Urban Zones

A business located in an urban Enterprise Zone and receiving the benefits of this Chapter must certify that at least 35 percent of its employees:

(a) Are residents of the same or a contiguous Enterprise Zone as the location of the business; or

(b) Were receiving some form of public assistance prior to employment; or

(c) Were considered unemployable by traditional standards, or lacking in basic skills; or

(d) Any combination of the above. Such certification must be updated annually if the business is to continue receiving the benefits of this Chapter.

RULE 5 Qualified Employees - Rural Zones

A business located in a rural Enterprise Zone and receiving the benefits of this Chapter must certify that at least 35 percent of its employees:

(a) Are residents of the same parish as the location of the business; or

(b) Were receiving some form of public assistance prior to employment; or

(c) Were considered unemployable by traditional standards, or lacking in basic skills; or

(d) Any combination of the above. Such certification must be updated annually in order for the business to continue receiving the benefits of this Chapter.

RULE 6 Branch Operations

Multi-location businesses will qualify provided that the branch located within an Enterprise Zone is treated as a separate entity for sales tax and income tax if a partnership or sole proprietorship. For a corporate multi-location business to qualify, the business location within the Enterprise Zone must be established as a separate legal corporation.

RULE 7 Arbitrary Termination of Employees

The Board will not accept an application from a business which has arbitrarily terminated employees and hired others in order to qualify for the benefits of this program.

RULE 8 Items Eligible For Sales and Use Tax Exemption

Only material used in the construction of a building, or any addition or improvement thereon, for housing any legitimate business enterprise, and machinery and equipment used in that enterprise will be considered eligible for exemption from sales and use tax.

RULE 9 Filing of Applications

The applicant shall submit an application, on the required form for the exemptions from taxes allowed under this act to the Office of Commerce and Industry together with the certifications required under Rule 4 and 5. The Office of Commerce and Industry shall verify the information given in the applications.

RULE 10 Recommendations of the Secretaries of Commerce and Revenue and Taxation

The Office of Commerce and Industry shall forward the application with their recommendations to the Secretary of Commerce and the Secretary of Revenue and Taxation for their review. Within 30 days after the receipt of the application the Secretaries of Commerce and Revenue and Taxation shall submit their recommendations in writing to the Assistant Secretary of the Office of Commerce and Industry.

RULE 11 Application Shall Be Presented to the Board of Commerce and Industry

The Office of Commerce and Industry shall present an agenda of applications to the Board of Commerce and Industry with the written recommendations of the Secretaries of Commerce and Revenue and Taxation and the endorsement resolutions outlined in Rule 2 and shall make recommendations to the Board based upon their findings.

RULE 12 Board of Commerce and Industry Shall Enter Into Contract

Upon approval of the application, the Board of Commerce and Industry shall enter into contract with the applicant for exemptions of the taxes allowed by R.S. 51:1781-1789. The contract shall be for five years and can be renewed for one additional five year period. A copy of the contract shall be sent to the Department of Revenue and Taxation.

RULE 13 Refund on Sales and Use Tax Paid

The contract will not authorize the applicant to make tax-free purchases from vendors. The tax exemption for state sales and use taxes will be effected through issuance of tax refunds by the Department of Revenue and Taxation.

Refunds will be secured by the filing of affidavits for each calendar month with the Department of Revenue and Taxation, Sales Tax Section, which must include the following:

(1) A listing of purchases made during the month of movable property that is intended to be used on the Enterprise Zone project and the contract number of the project. The listing must

include a brief description of each item, the vendor's name, date of the sale, sales price and the amount of 3 percent state sales tax paid. The items included in the listing must have been purchased by the owner of the project, or by a builder or other party that has contracted with the owner to provide materials and services for the project.

(2) A certification that the materials included in the listing are reasonably expected to qualify upon completion of the project for the exemption under provision of the statute.

(3) A certification that the sales and use tax has actually been paid on the items included in the listing.

The affidavit may be filed on official Department of Revenue and Taxation "Claim for Refund" forms or on other forms prepared by the applicant. After the Department of Revenue and Taxation has verified the information on the application, a refund check will be issued for the amount of state sales and use taxes paid.

Local sales and use tax exemptions will be handled in the manner prescribed by the local taxing authority.

RULE 14 Contractees Must File State Franchise and Income Tax Returns

(a) Corporations organized for the purpose of locating within an urban Enterprise Zone and qualifying for exemption from corporation income and franchise taxes shall file the same required forms and returns with the Department of Revenue and Taxation as would be required if the exemption has not been granted. Each form and return should have a certification attached stating the Corporation is exempt from income and franchise taxes and give the contract number of their exemptions, date contract approved and expiration date.

Partnerships and sole proprietorships shall file the same returns as would be required if the exemption had not been granted. In addition, each return must include a profit and loss statement for the business located in the Enterprise Zone.

(b) Contractees qualifying for the \$2,500 tax credit per new employee employed in the business located in the rural Enterprise Zone shall file the same required forms and returns with the Department of Revenue and Taxation as would be required if no credit were due.

Each yearly return will have the contract number of the exemption and a certification attached showing the annual increase in employment as determined by the company's average annual employment reported to the Office of Employment Security and the unused credits from previous years. If total tax credits are less than the total credit, remittance in the amount of the difference must be enclosed with the return.

RULE 15 Violations of Rules, Statutes, or Documents

On the Board of Commerce and Industry initiative or whenever written complaints on violations of terms of tax exemption rules, documents or the statute is received, the Assistant Secretary of the Office of Commerce and Industry shall cause to be made full investigation on behalf of the Board, and he shall have full authority for such investigation including, but not exclusively, authority to call for reports or pertinent records or other information from the contractors. If the investigation substantiates a violation, he may present the subject contract to the Board for formal cancellation. The contractee shall remit any and all taxes that would have been imposed but for the issuance of a contract.

RULE 16 Affidavits Certifying Eligibility Filed Annually

On January 1 of each year, the contractee will file an affidavit with the Office of Commerce and Industry certifying that the business still qualifies under Rule 5. If the affidavit shows the company no longer qualifies under this Rule, the Board of Commerce and Industry shall cancel the contract and no further exemptions will be granted. Department of Commerce will notify the Department of Revenue and Taxation within 30 days after revoca-

tion of contract.

RULE 17 Renewal of Tax Exemption Contract

The initial period of tax exemption is limited to five calendar years. If renewal for an additional five calendar year period is desired, an application must be filed on prescribed forms with the Office of Commerce and Industry at least 90 days before the expiration of the original contract. Upon showing compliance with the contract for exemption and the statute, the Board of Commerce and Industry may renew the contract for an additional five years.

F. Ben James, Jr.
Secretary

RULE

Department of Commerce Office of Financial Institutions

PROPOSED VARIABLE RATE REGULATIONS

Under authority granted by R.S. 6:25.1 and by R.S. 9:3554B, the Commissioner of Financial Institutions issues the following Regulation under which banks, savings and loan associations, other supervised financial organizations, and licensed lenders are authorized to make, purchase or participate in loans bearing simple interest from date on a variable rate basis. The following Regulation on variable rate loans is promulgated by the Commissioner of Financial Institutions.

Rule

Pursuant to R.S. 6:25.1 (Act 640 of 1981) and R.S. 9:3554B, banks, savings and loan associations, other supervised financial organizations, and licensed lenders are hereby authorized to make, purchase or participate in loans bearing simple interest from date on a variable rate basis consistent with the following Regulations promulgated by the Commissioner of Financial Institutions.

Variable Rate Loans

1. Purpose

This Regulation is issued by the Commissioner of Financial Institutions under authority granted by R.S. 6:25.1 (Act 640 of 1981) and R.S. 9:3554B.

2. Scope

This Regulation shall apply to all loans or other extensions of credit which are made, purchased, or participated in by banks, savings and loan associations, other supervised financial organizations and licensed lenders, and which bear simple interest from date on a variable rate basis.

3. Definitions

As used herein, the following definitions shall apply:

(a) "Bank" shall mean any bank organized under the laws of the United States of America or of any state or foreign nation, and any subsidiary or parent holding company of a bank. (Non-bank subsidiaries of bank holding companies are considered to be banks or other supervised financial organizations for the purposes of this Regulation.)

(b) "Savings and loan association" shall mean any savings and loan association, thrift institution, or savings bank organized under the laws of the United States of America or of any state, and any wholly-owned subsidiary or parent holding company of a savings and loan association.

(c) "Supervised financial organization" shall have the same meaning as defined under R.S. 9:3516(26), that is, a banking or similar organization organized, certified and supervised by an agency of either the United States of America or of the State of

Louisiana pursuant to the banking, currency, and related laws of the United States of America or of the State of Louisiana.

(d) "Licensed lender" shall have the same meaning as defined under R.S. 9:3516(19), that is, a person, other than a supervised financial organization, engaged in the business of making supervised loans.

(e) "Variable rate" shall mean the manner of computing simple interest on a loan whereby the rate of simple interest varies from time to time, one or more times, over the term of the extension of credit with changes in a contractual index rate or is adjusted in accordance with a formula specified in the promissory note or credit agreement governing the loan.

(f) "Index" shall mean any basis on which the interest rate charged on a loan may vary in accordance with the agreement of the parties.

(g) "Prime rate" or "base rate" shall mean the interest rate established from time to time, one or more times, by the Board of Directors and/or management of a bank, savings and loan association, or any supervised financial organization as its "prime" or "base" lending rate, whether or not that interest rate is published or otherwise made known to the general public.

4. General Rule

Banks, savings and loan associations, other supervised financial organizations, and licensed lenders are authorized to make, purchase or participate in loans bearing simple interest from date on a variable rate basis.

5. Calculation of and Basis for Change in Rate

(a) The simple rate of interest on a variable rate loan may vary with changes in an index or may be adjusted in accordance with a formula specified in the promissory note or credit agreement governing the loan.

(b) It shall be permissible for a supervised financial organization to charge and collect simple interest on a variable rate basis indexed to the institution's own "prime" or "base" lending rate.

6. Rate Adjustment

This Regulation sets no limitations on the frequency of interest rate adjustments or on the amount of any incremental change in the interest rate in variable rate loans.

7. Relationship to Other Laws

(a) This Regulation shall not be construed to limit the manner or method of contracting for interest in connection with any loan or other extension of credit.

(b) Banks, savings and loan associations, other supervised financial organizations and licensed lenders are permitted to enter into variable rate loan transactions pursuant to this Regulation which are governed by any applicable Louisiana or Federal credit laws and regulations, including but not limited to: (i) Article 2924 of the Louisiana Civil Code; (ii) the Louisiana Consumer Credit Law (R.S. 9:3510, et seq.); (iii) the Louisiana Motor Vehicle Sales Finance Act (R.S. 6:951, et seq.); (iv) R.S. 9:3503, et seq.; (v) R.S. 6:654; (vi) R.S. 9:3509; (vii) R.S. 12:703.

(c) This Regulation shall not supersede the requirements of R.S. 6:957(F) as added by Act 580 of 1981 with regard to variable rate retail installment contracts for the purchase of a residential mobile home.

(d) This Regulation shall additionally not supersede the Adjustable Rate Mortgage Regulations promulgated by the Office of Financial Institutions for State banks as published in Volume 7, No. 5, *Louisiana Register*, May 20, 1981, as well as the Adjustable Rate Mortgage Regulations promulgated by the Office of the Comptroller of the Currency for National banks (12 CFR §29.1 et seq.).

(e) This Regulation shall additionally not supersede the Adjustable Mortgage Loan Regulations promulgated by the Office of Financial Institutions for State savings and loan associations as